

REMARKS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided. Applicant also notes with appreciation Examiner's acknowledgment of Applicant's Information Disclosure Statements filed in the present application by the return of the initialed and signed PTO-1449 forms, the Examiner's approval of the drawings, and the Examiner's acknowledgment of Applicant's claim for priority and receipt of the certified copies of the priority documents in the Official Action.

Upon entry of the present amendment, claims 1, 4, 6 and 8-9 will have been amended and claims 3 and 7 will have been canceled without prejudice or disclaimer. Applicant notes that claim 3 has been canceled because it no longer further limited amended claim 1, and claim 4 has been amended solely to bring this claim in conformance with the amendment to claim 1. Claims 8-9 have been amended solely to change the dependency thereof. Claims 1-2, 4-6 and 8-9 remain pending in the present application.

Applicant gratefully acknowledges the Examiner's indication of the allowability of claims 7-9. In this regard, Applicant notes that independent claim 1 has been amended to substantially incorporate the limitations of allowable claim 7.

The Examiner has objected to the specification, finding several clerical and/or grammatical errors. Specifically, the Examiner requested that the description of Figs. 6 and 10 be amended in conformance with the description of Fig. 4, which Applicant has done in compliance with this request. The Examiner has also requested the renumbering of the glass plate 11 on page 9, which Applicant has done in compliance with this request. The Examiner also requested that Applicant

provide a definition for “F” as used in the tables. In compliance with the Examiner’s request, at page 9, line 13 (at the description of variables for Table 1 and subsequent tables) Applicant has added a description of “F.” No new matter has been entered. Applicant has also again reviewed the specification and has corrected a clerical error, namely, by changing “plane” to ---planar---, at page 13, line 8. Similarly, Applicant has amended claim 6 solely to change “plane” to ---planar---. It is thus respectfully requested that the Examiner withdraw the objection to the specification.

The Examiner has rejected claims 1-2 and 4-5 under 35 U.S.C. § 102 (b) as being anticipated by EKSTRAND (U.S. Patent No. 3,492,901). As discussed above and solely in order to advance the prosecution of the present application as discussed above, Applicant has amended independent claim 1 to incorporate the limitations of allowable claim 7, which should not be taken as an acquiescence by Applicant as to the appropriateness of the rejection. Further, Applicant expressly reserves the right to submit claims of a related scope in another application. Thus, the cancellation of the claims in the present application is without prejudice.

With respect to the Examiner’s above rejection of dependent claims 2 and 4-5, since these claims are dependent from allowable independent claim 1, which is allowable for at least the reasons discussed *supra*, these dependent claims are also allowable for at least these reasons. Further, all dependent claims recite additional features which further define the present invention over the references of record. It is thus respectfully submitted that all rejected claims are patentably distinct from the references of record.

Absent a disclosure in a single reference of each and every element cited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to

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disclose each and every element recited in independent claim 1, this claim, and the claims dependent from claim 1, are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection of independent claim 1 (and the claims dependent from claim 1), under 35 U.S.C. § 102(b).

With respect to the Examiner's rejection of dependent claims 2, 4 and 6 under 35 U.S.C. § 103(a), since these claims are dependent from allowable independent claim 1, which is allowable for at least the reasons discussed *supra*, these dependent claims are also allowable for at least these reasons. Further, all dependent claims recite additional features which further define the present invention over the references of record. It is thus respectfully submitted that all rejected claims are patentably distinct from the references of record

Thus, Applicant respectfully submits that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully requests the Examiner to indicate the allowance of each and every pending claim in the present application.

COMMENTS ON STATEMENT OF REASONS FOR THE INDICATION OF
ALLOWABLE SUBJECT MATTER

In response to the Statement of Reasons for the Indication of Allowable Subject Matter, mailed by the U.S. Patent and Trademark Office on September 15, 2004, along with the above-noted Official Action, Applicant wishes to clarify the record with respect to the basis for patentability of the allowed claims in the present application. In this regard, while Applicant does not disagree with the Examiner's indications that certain identified features are not disclosed by the prior art references, as noted by the Examiner, Applicant further wishes to clarify that the independent claim in the present application recites a particular combination of features, and the basis for patentability of this claim is further based on the particular totality of the features recited therein. The dependent claims set forth additional basis for their patentability in accordance with their recited limitations as well as in accordance with the particular limitations of the respective base claims.

SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or suggests the present invention, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and with respect to the allowable features incorporated into claim 1, should not be considered as surrendering equivalents of the territory between this claim prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto. For example, as discussed *supra*, claim 4 has been amended solely to bring this claim in conformance with the amendment to claim 1, claim 6 has been amended solely to correct a grammatical error therein (*i.e.*, by changing "plane" to ---planar---), and claims 8-9 have been amended solely to change the dependency thereof.

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Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

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